

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Application of	:	
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MOUSSY SALEM,	:	
	:	24 Misc. 5 (JPC)
Applicant,	:	
	:	<u>ORDER</u>
FOR AN ORDER TO TAKE DISCOVERY PURSUANT :	:	
TO 28 U.S.C. § 1782 FROM JPMORGAN CHASE :	:	
BANK, N.A.	:	
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JOHN P. CRONAN, United States District Judge:

Applicant Moussy Salem filed an *ex parte* Application for an Order to Take Discovery Pursuant to 28 U.S.C. § 1782 in Aid of a Foreign Proceeding (the “Application”), which seeks documentary evidence from JPMorgan Chase Bank, N.A. (“JPM”) for use in judicial proceedings before the High Court of Justice, Business & Property Courts of England and Wales, Business List (ChD) (the “English proceedings”).

The Application is granted. Title 28, United States Code, Section 1782 provides, *inter alia*, that, “upon the application of any interested person,” “[t]he district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal.” 28 U.S.C. § 1782(a). The Court finds that the Applicant has satisfied each statutory requirement for discovery pursuant to Section 1782. First, JPM is found in this District. *See* Dkt. 3 (declaration of Lauren Tabaksblat, counsel for Applicant in instant petition) ¶ 8, Exh. 3 (FDIC data showing JPM’s Manhattan offices). Second, the requested discovery is for use in the English proceedings. *See, e.g., id.* ¶¶ 2, 4-7. Lastly, as the claimant in those proceedings, Applicant is an interested

person within the meaning of Section 1782. *See id.* ¶ 2, Exh. 1 (declaration of Simon Goldring, solicitor for Applicant in the English proceedings) ¶ 4.

The Court further finds that the discretionary factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 255 (2004) further weigh in favor of granting the Application: JPM is not a participant in the foreign proceeding; there is no indication that the English court would be unreceptive to discovery obtained through the Application; there is no indication that the Application is an attempt to circumvent proof-gathering restrictions under English law; and the ten discovery requests in Applicant's subpoena to JPM do not appear to be unduly intrusive or burdensome. Moreover, Applicant has represented that he will "engage in a good faith effort to meet and confer over the parameters of [JPM's] search to minimize any legitimate concerns" as to the scope of the subpoena. Dkt. 2 (brief in support of the Application) at 19. Should JPM have objections to the scope of the subpoena that cannot be resolving through a meet-and-confer process, JPM then may bring an appropriate motion before this Court.

Accordingly, the Application is granted, and Applicant is authorized to serve JPM with the subpoena attached to this Order as Exhibit A. JPM is further ordered to respond to the subpoena within twenty-eight days of service of the subpoena and in conformance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York. JPM shall preserve documents, electronic or otherwise, and evidence in its possession, custody, or control that contain information potentially relevant to the subject matter of the foreign proceeding at issue in the Application.

SO ORDERED.

Dated: January 23, 2024
New York, New York



JOHN P. CRONAN
United States District Judge